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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING

2
3 UNITED STATES PATENT AND TRADEMARK OFFICE

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5
6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
8

9
10 Ex parte JEFFREY A. BEDELL, EDUARDO CARRANZA,
11 L. DOUGLAS EVERHART, WILLIAM HURWOOD,
12 BENJAMIN Z. LI, RAMKUMAR RAMACHANDRAN,
13 DAVID B. SHERWOOD, STEPHEN S. TRUNDLE,
14 and ABHIMANYU WARIKOO
15

16
17 Appeal 2010-001005
18 Application 09/883,502
19 Technology Center 2100
20

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22 Oral Hearing Held: June 8, 2010
23

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25 Before JAY P. LUCAS, STEPHEN C. SIU, and DEBRA K. STEPHENS,
26 Administrative Patent Judges.
27

28 ON BEHALF OF THE APPELLANT:
29

30
31 GEORGE WANG, ESQ.
32 Hunton & Williams LLP
33 1900 K Street, N.W., Suite 1200
34 Washington, D.C. 20006

1 The above-entitled matter came on for hearing on Tuesday,
2 June 8, 2010, commencing at 9:28 a.m., at the U.S. Patent and Trademark
3 Office, 600 Dulany Street, Alexandria, Virginia, before Kevin C. Carr,
4 Notary Public.

5 THE USHER: Good morning. Calendar No. 8, Appeal No.
6 2010-001005, Mr. Wang.

7 JUDGE LUCAS: Thank you, Pat. Mr. George Wang?

8 MR. WANG: Yes.

9 JUDGE LUCAS: W-a-n-g.

10 MR. WANG: That's correct.

11 JUDGE LUCAS: Mr. Wang, Judge Stephens is viewing you
12 electronically from the Carolina's.

13 MR. WANG: Hi. How are you, Judge Stephens?

14 JUDGE STEPHENS: Good.

15 JUDGE LUCAS: Judge Siu and myself are obviously here.
16 You will have about 20 minutes to speak by my watch, which you can't see.
17 I'll give you some warning when it's about time. As you will, Mr. Wang.

18 MR. WANG: My name is George Wang, an associate from
19 Hunton & Williams, Registration No. 58,637, speaking for Serial No.
20 09/883,502, Appeal No. 2010-001005.

21 Currently, we have 28 claims pending. Today, I would just like
22 to discuss independent Claim 1 and dependent Claim 4.

23 All the claims have been rejected under 102(e) using an
24 Alexander reference, U.S. Publication 2002/0069207. The Examiner
25 rejected independent Claim 1, for example, using this reference, and the
26 claims recite in particular for Claim 1 a prompt object, a computer readable

1 medium, that comprises questions to be asked of a user, a prompt type, and
2 at least one validation property. This prompt object is separate from the
3 report such that the prompt object may be used more than once in a single
4 report or may be used in more than one report.

5 I wanted to highlight a couple of limitations for discussion
6 today. The second limitation, prompt type, the third limitation, at least one
7 validation property, and the fact that the prompt object is separate from the
8 report, it could be reusable.

9 The Alexander reference is directed to a survey or method for
10 conducting a survey. In the survey, there are a number of questions. These
11 questions are categorized in a variety of classifications such as medicine,
12 politics, et cetera.

13 For each question, there is an answer, and the way Alexander
14 does his surveys, he uses a scoring system. For example, in paragraph 31 of
15 Alexander, after each survey, each survey may be assigned a score,
16 depending on the responses by the user. The survey as taken may then be
17 assigned a score based upon the value or values corresponding to the
18 response or responses given by the user.

19 Appellants want to argue that Alexander does not teach all the
20 claim limitations of Claim 1 and the limitations of Claim 4.

21 First, a prompt type -- the Examiner asserts that a prompt type
22 is the same thing as a classification, but I want to distinguish for the Board
23 today that a prompt type is different than a classification.

24 Paragraph 34 of Alexander talks about these questions being
25 classified by type for purposes of convenience so that these questions may
26 be reused, and in that paragraph it talks about using them in medical practice

1 surveys, political surveys, product preference surveys, et cetera. The
2 difference between the prompt type claim, as you can note in the
3 specification, particularly Figure 14, the types that are described in the
4 current invention have to do with the type of the prompt, which is not the
5 same as a type of question or type of survey.

6 If you can look at Figure 14 of our current invention, we can
7 see this is a list, over on the left, there's a list of the different types of
8 prompts or prompt types. We have prompt double, prompt string. These are
9 described as the kind of prompt that is being presented to the user.

10 This is totally different than what the Alexander reference
11 teaches. Alexander does not teach different types of prompt types. Rather,
12 they just merely talk about question classifications, which is not the same.

13 To move onto validation property, the Examiner asserts that
14 Alexander teaches validation property in that it has values assigned to
15 answers. Validation property is different than a value assigned to an answer.

16 The specification does describe validation values, but those
17 values are not the same as those used in Alexander. Alexander has a scoring
18 system, as I briefly shared earlier, that they use to basically score the entire
19 survey at the end.

20 Here, our validation property has to do with validating
21 something. For example, one example that was highlighted in the Reply
22 Brief was a validation property could best be understood as if I was
23 prompted a question saying in what city or what state. I put in Maryland.
24 The next question that would prompt me would be what city. I would put in
25 Baltimore.

1 Baltimore would provide a validation property for the previous
2 response, meaning it would show -- because there's no other Baltimore in
3 New York, for example.

4 That answer, that response, would have a validation property,
5 meaning it validates the previous answer. It validates a part of the user's
6 response prior to that.

7 That's different than having a particular score. It's different
8 than having a scoring system the way Alexander uses it.

9 JUDGE LUCAS: Mr. Wang, how do you define such a
10 validation property? Claim 1, as I look upon it, has the bare assertion of
11 validation property. How is this defined in the spec so as to limit it to the
12 concept you have just explained with regard to Baltimore and New York?

13 MR. WANG: That's a good question. If you look in the
14 specification at page 14, lines 15 to 17, page 36, lines 3 to 6, here we can see
15 that same example being presented. We also reiterated this in the Reply
16 Brief, if you will give me a second to flip there.

17 JUDGE LUCAS: To which page are you turning?

18 MR. WANG: I'm turning to the Reply Brief first. We have it
19 referenced in there. Page five, there we have direct citations or references to
20 the specification in which we are arguing these things. Page 36, lines 3 to 6.
21 It says "An example of this prompt object that asks a user to choose a city
22 with a validation property saying it is valid only if the city is located in
23 chooser's state. Prompt object."

24 In this example, we can see one of those prompt objects of what
25 you choose based on the city would be a validation property that's valid only
26 for having chosen that state.

1 The entire specification actually is in cooperation with how
2 we're describing it here. This is just one example that we did highlight in the
3 Reply Brief.

4 JUDGE LUCAS: I was asking for the validation. Are you
5 saying the prompt object is the validation property inherently?

6 MR. WANG: The prompt object asks the user to choose a city
7 so to choose a city would be some sort of question with a validation
8 property. That means within that prompt object as we define it in the claims.
9 The prompt object includes a question which is, for example, choose a city,
10 and then it would also include a validation property, saying that the response
11 to that question is only valid if the city is located in the chooser's state.

12 JUDGE LUCAS: Thank you.

13 MR. WANG: Also, the third part of this independent Claim 1
14 that I wanted to touch upon is the prompt object is reusable. The Alexander
15 reference merely talks about questions being reusable. That's why
16 Alexander uses these classification types or classification of medical,
17 political, product preference types, because these questions are stored in a
18 database, and they can be categorized in that way, and by being categorized,
19 the questions themselves can be used, but what we have here in the claim is
20 the prompt object is what can be reused, which includes all of these factors,
21 all of these limitations that are described above.

22 Alexander seems to only teach that the questions are reusable,
23 and this is a distinguishing feature.

24 I wanted to also point out that in dependent Claim 4, even if the
25 Board finds that the Examiner is correct, I wanted to argue this one

1 separately because it provides a limitation that Alexander clearly does not
2 teach.

3 Claim 4 says that the prompt object of Claim 1 further
4 comprising a meaning that upon request by a responder to the prompt,
5 provides an explanation to the question.

6 The Examiner only cites Figure 4 of Alexander. Alexander's
7 Figure 4 basically just presents a question and then it has a long question and
8 then it asks the responder to select yes or no. There is nothing in Figure 4 or
9 anywhere else in Alexander that a user/responder can request an explanation
10 of the question. It's just not taught in Alexander at all. I wanted to highlight
11 that for the Board in the event the other limitations in Claim 1 are deemed to
12 be taught by Alexander, that we at least have Claim 4.

13 Those are pretty much the arguments for my client, for
14 Appellant, and we just wanted to highlight these. I wanted to check with the
15 Board if you have any questions or anything that could help clarify and
16 expedite this process.

17 JUDGE LUCAS: I have no questions further. Judge Siu?

18 JUDGE SIU: No questions.

19 JUDGE LUCAS: Judge Stephens?

20 JUDGE STEPHENS: No, I have no questions.

21 JUDGE LUCAS: Thank you for coming in.

22 MR. WANG: Great. I appreciate it. Thank you.

23 Whereupon, at 9:41 a.m., the proceedings were concluded.

24